and September 4, 1934, from the State of Florida into the State of Massachusetts of quantities of Espiritu Water which was misbranded. The article was labeled in part: "Espiritu Water Co., Safety Harbor, Fla."

Analyses of samples showed that it was a moderately mineralized water with sodium chloride as the predominating mineral constituent.

The product shipped August 7, 1933, into the State of Georgia was alleged to be adulterated under the provisions of the law applicable to food in that it consisted in whole and in part of a filthy and decomposed animal and vegetable substance.

All shipments were alleged to be misbranded under the provisions of the law applicable to drugs in that certain statements, designs, and devices regarding their curative or therapeutic effects, borne on the bottle labels of the shipment of August 7, 1933, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for all stomach disorders or irregularities; effective as a positive cure in many cases of eczema and other skin eruptions; effective as a treatment, remedy, and cure for Bright's disease, bladder troubles, diabetes, dropsy, high blood pressure, gout, neuritis, stomach and bowel troubles, rheumatism, eczema, and psoriasis; of beneficial influence in diseases of the stomach, liver, and kidneys and in rheumatism, neuritis, and kidney stones; and effective to restore youth; and those on the labels of the other shipments falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for kidney stones, neuritis, rheumatism, and other kidney irregularities; effective as a treatment, remedy, and cure for Bright's disease, bladder troubles, diabetes, dropsy, high blood pressure, gout, neuritis, stomach and bowel troubles, rheumatism, eczema, and psoriasis; that it was "of beneficial influence in diseases of the stomach, liver and kidneys, rheumatism, neuritis, and kidney stones;" and effective to restore youth.

On March 1, 1938, the defendant entered a plea of nolo contendere to each information and the court imposed fines in the total amount of $10.

W. R. Gregg, *Acting Secretary of Agriculture.*

28742. Adulteration and misbranding of morphine sulphate tablets, Calcigol with Iodine Tablets, Septomang Antiseptic Tablets, theobromine tablets; adulteration of Fowler's solution and Elixir Iron, Quinine and Strychnia; misbranding of Pancreatone Capsules. U. S. v. The Crescent-Kelvan Co., George T. Lambert, David Pereira, and George D. Lambert. Pleas of nolo contendere. Judgment of guilty. Fine, $850. (F. & D. No. 39441. Sample Nos. 7823–C, 15626–C, 15627–C, 15629–C, 16388–C, 16690–C, 16877–C, 16881–C, 27931–C.)

This case involved morphine sulphate tablets which contained less morphine sulphate than declared; Calcigol with Iodine Tablets which contained less iodine than declared; theobromine tablets which contained less theobromine than declared and also undeclared sodium salicylate; Septomang Antiseptic Tablets the labeling of which bore false and fraudulent curative and therapeutic claims and false and misleading antiseptic claims; Pancreatone Capsules the labeling of which bore false and fraudulent curative and therapeutic claims and other misrepresentations; Fowler's solution and Elixir Iron, Quinine and Strychnia which differed from the standard laid down in the United States Pharmacopoeia and the National Formulary, respectively, and which were not labeled to show their own standards.

On June 11, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Crescent-Kelvan Co., a Pennsylvania business trust, Philadelphia, Pa., and George T. Lambert, David Pereira, and George D. Lambert, officers of the trust, alleging shipment by the said defendants on or about June 4 and 12, August 21 and 30, and in or about the second week of September 1936, from the State of Pennsylvania into the States of New York, Maryland, and New Jersey of quantities of morphine sulphate tablets, Calcigol with Iodine Tablets, Septomang Antiseptic Tablets, and theobromine tablets each of which was adulterated and misbranded; quantities of Pancreatone Capsules which were misbranded; and quantities of Fowler's solution and Elixir Iron, Quinine and Strychnia which were adulterated. The articles were labeled in part: "The Crescent-Kelvan Co., Philadelphia, Pa."

Analyses showed that the Septomang Antiseptic Tablets consisted largely of zinc sulphate, potassium permanganate, sodium borate, volatile oils including oil of wintergreen, thymol, eucalyptol, and menthol, and that they were not effective as an antiseptic when used as directed; and that the Pancreatone

Capsules contained in addition to glandular matter, other substances including compounds of manganese, strychnine, arsenic, and gentian.

The morphine sulphate tablets were alleged to be adulterated in that a portion were represented to contain ¼ grain of morphine sulphate and the remainder were represented to contain ½ grain of morphine sulphate; whereas the former contained not more than 0.22 grain of morphine sulphate and the latter not more than ⅕ grain of morphine sulphate per tablet, and therefore the strength of the article fell below the professed standard and quality under which it was sold. The article was alleged to be misbranded in that the statements borne on the labels, "Tablet Triturates ¼ gr.-Morphine Sulphate" and "Tablets Morphine Sulphate ½ gr.," were false and misleading.

The Calcigol with Iodine Tablets were alleged to be adulterated in that it was represented on the label that each tablet contained 1/10 grain of iodine; whereas each tablet contained not more than 0.06 grain of iodine; and therefore the strength of the article fell below the professed standard and quality under which it was sold. The article was alleged to be misbranded in that the statement borne on the label, "Calcigol with Iodine * * * Iodine 1/10 gr.," was false and misleading.

The Septomang Antiseptic Tablets were alleged to be adulterated in that it was represented on the label that the article was effective as an antiseptic when used as directed, but was not effective as an antiseptic when used as directed, and therefore its strength fell below the professed standard and quality under which it was sold. The article was alleged to be misbranded in that the statements borne on the label, "Septo * * * Antiseptic Tablets * * * Dissolve two tablets in a quart of warm water * * * makes an excellent gargle where an antiseptic * * * is indicated," were false and misleading. It was alleged to be misbranded further in that statements borne on the label falsely and fraudulently represented it to be effective as a vaginal douche in leucorrhoea, gonorrhoea, vaginitis, ulceration, and all catarrhal conditions.

The theobromine tablets were alleged to be adulterated in that the label represented that each tablet contained 5 grains of theobromine, whereas each tablet contained not more than 2.94 grains of theobromine; in that each tablet also contained 1.94 grains of sodium salicylate, and that the presence in the article of the latter ingredient was not declared on the label; and therefore the strength of the article fell below the professed standard and quality under which it was sold. The article was alleged to be misbranded in that the statement borne on the label, "Tablets (5) Grains Theobromine," was false and misleading.

Fowler's solution was alleged to be adulterated in that the term "Fowler's solution" is a synonym for solution of potassium arsenite, a drug recognized in the United States Pharmacopoeia; in that the pharmacopoeia declares that a solution of potassium arsenite shall contain in each 100 cubic centimeters thereof the equivalent of not more than 1.050 grams of arsenic trioxide; that the article contained more than 1.050 grams of arsenic trioxide per 100 cubic centimeters, one lot containing not less than 1.642 grams and the other not less than 1.6315 grams of arsenic trioxide per 100 cubic centimeters; and that the article was sold under a name recognized in the pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down therein and its own standard was not stated on the container.

The elixir of iron, quinine, and strychnine was alleged to be adulterated in that elixir of iron, quinine, and strychnine is a drug that is recognized by that name in the National Formulary, but the formulary declares that the drug consist in part of an iron compound equivalent to not less than 5.6 grams of iron per 1,000 cubic centimeters of compounds of quinine and strychnine equivalent to not less than 6.68 grams of anhydrous quinine and strychnine per 1,000 cubic centimeters, and 23 to 26 percent of alcohol by volume; and that the article contained not more than 3.13 grams of iron per 1,000 cubic centimeters, not more than 4.5 grams of anhydrous quinine and strychnine per 1,000 cubic centimeters; and not more than 10.8 percent of alcohol by volume.

The Pancreatone Capsules were alleged to be misbranded in that the statement borne on the label, "Pancreatone," was false and misleading in that it represented to purchasers that the sole physiologically active ingredient of the article was pancreatin; whereas the article contained other physiologically active ingredients, namely, compounds of strychnine, arsenic, manganese, and gentian. It was alleged to be misbranded further in that statements on the

bottle label falsely and fraudulently represented that it was effective as a remedy and cure for diabetes mellitus and diseases generally of pancreatic origin.

On January 7, 1938, pleas of nolo contendere having been entered by the defendants, they were adjudged guilty and were sentenced to pay fines in the total amount of $850.

W. R. GREGG, *Acting Secretary of Agriculture.*

28743. Misbranding of Poreen Ointment, Nux and Iron Tablets, Four Star One Night Healing Salve, and Flu-Go Mutton Suet. U. S. v. Keystone Laboratories, Inc., and Joseph S. Menke. Pleas of guilty. Fines totaling $800. (F. & D. No. 39821. Sample Nos. 13595–C, 13599–C, 18689–C, 31493–C, 35272–C, 35274–C, 35275–C, 35397–C.)

These products were all misbranded because of false and fraudulent representations in the labeling regarding their curative and therapeutic effects; the Nux and Iron Tablets were misbranded further because they were labeled to indicate that they consisted of nux vomica and iron, whereas they contained other physiologically active ingredients.

On March 9, 1938, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Keystone Laboratories, Inc., and Joseph S. Menke, an officer of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on various dates between February 26 and April 26, 1937, from the State of Tennessee into the States of Louisiana, Arkansas, Ohio, and Missouri, of quantities of the above-named products which were misbranded. The Four Star One Night Healing Salve was labeled in part: "Four Star Laboratories, Memphis, Tenn." The remaining products were labeled: "Keystone Laboratories, Memphis, Tenn."

Analyses of the articles showed that the Poreen Ointment consisted essentially of red-colored, perfumed petrolatum, with a small amount of red mercuric oxide; that the Nux and Iron Tablets contained extracts of plant drugs including nux vomica, and compounds of iron, zinc, and phosphorus, and were coated with calcium carbonate and sugar; that the Four Star Salve consisted essentially of volatile oils, including menthol, eucalyptol, camphor, and methyl salicylate incorporated in a petrolatum base; and that the Flu-Go Mutton Suet consisted essentially of volatile oils including menthol, camphor, and methyl salicylate, and a small proportion of turpentine incorporated in a mutton-fat base.

The articles were alleged to be misbranded in that statements appearing in the labeling regarding their curative and therapeutic effects, falsely and fraudulently represented that they were effective: (Poreen Ointment) to remove imperfections, pimples, and skin blemishes and effective in the treatment of eczema, tetter, pimples, ringworms, and skin eruptions; (Nux and Iron Tablets) effective to restore manhood, to strengthen blood tissue and nerve forces, to restore lack of iron in the blood, to increase the blood supply, and to restore vim and vigor, effective as the most powerful invigorator and strengthening tonic and as a revitalizer, and effective in the treatment of anemia, rundown condition, nervousness, acute dyspepsia, and loss of appetite; (Four Star Salve) effective as a treatment for croup and respiratory disorders, sore throat, coughs, hay fever, catarrh, asthma, skin infections, pneumonia, acute bronchitis, and influenza; (Flu-Go Mutton Suet) effective as a treatment for flu, coughs, sore throats, stubborn cases of sore throat, burns, and aching feet, as a valuable aid in the treatment of influenza and respiratory disorders, as a valuable preliminary treatment for pneumonia and influenza, as an ideal treatment for coughs and sore throat, and as a relief for chest colds and sore throat.

The Nux and Iron Tablets were also alleged to be misbranded in that the statement borne on the labeling, "Nux and Iron Tablets," was false and misleading since it represented that the physiologically active ingredients of the article consisted of nux vomica and iron; whereas it contained other physiologically active ingredients, zinc phosphide, plant material, and strychnine.

On March 21, 1938, pleas of guilty having been entered by the defendants, the corporation was sentenced to pay a fine of $660, and the individual was sentenced to pay a fine of $140.

W. R. GREGG, *Acting Secretary of Agriculture.*